

DEPARTMENT OF TRANSPORTATION
Amendment and Compilation of Chapter 19-135
Hawaii Administrative Rules

December 16, 2016

SUMMARY

1. §19-135-3 is amended.
2. §19-135-5 is amended.
3. §19-135-6 is amended.
4. §19-135-8 is amended.
5. §19-135-9 is amended.
6. §19-135-11 is amended.
7. §19-135-12 is amended.
8. §19-135-13 is amended.
9. §19-135-14 is amended.
10. §19-135-15 is amended.
11. §19-135-16 is amended.
12. §19-135-17 is amended.
13. §19-135-18 is amended.
14. §19-135-19 is amended.
15. §19-135-20 is amended.
16. §19-135-22 is amended.
17. §19-135-23 is amended.
18. §19-135-24 is amended.
19. §19-135-25 is amended.
20. §19-135-26 is amended.
21. §19-135-27 is amended.
22. §19-135-28 is amended.
23. §19-135-29 is amended.
24. Chapter 135 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 135

PERIODIC SAFETY INSPECTION OF MOPEDS

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SUBCHAPTER 1

GENERAL PROVISIONS

\$19-135-1 Scope. This chapter shall apply to every moped offered for use upon, sold for use upon, or used upon the roadways and highways of the State. [Eff 9/15/86; comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

\$19-135-2 Purpose. The purpose of this chapter is to establish:

- (1) Minimum periodic inspection requirements for mopeds; and
- (2) Procedures concerning the issuance of a certificate of inspection upon satisfactory compliance with certification requirements. [Eff 9/15/86; comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-3 Definitions. As used in this chapter:

"Certified moped inspector" or "inspector" means a person who possesses a current, valid, moped inspector certificate issued by the county agency.

"Clockwise" and "counterclockwise" mean opposing directions of rotation around the following axes, as applicable:

- (1) The operational axis of the ignition control, viewed from in front of the ignition lock opening;
- (2) The axis of the right handlebar on which the twist-grip throttle is located, viewed from the end of that handlebar; or
- (3) The axis perpendicular to the center of the speedometer when viewed from the operator's normal eye position.

"County agency" means the county department designated by the county council as the department having the responsibility for supervising and administering the periodic moped inspection program in that county.

"Director" means the director of the state department of transportation.

"Electronic inspection form" means a computerized inspection form that lists the components to be inspected and can be filled out by electronic means and then transfer the data to a server immediately upon completion of the inspection.

"Electronic form contractor" ~~means~~ the entity that contracts with the director to implement the electronic form program.

"FMVSS" means Federal Motor Vehicle Safety Standard as prescribed in 49 CFR Part 571, as it existed on October 1, 2016.

"Moped" shall mean as defined in section 291C-1, HRS.

"Official inspection station" or "inspection station" means a person, partnership, or corporation that is authorized and issued a permit by the county agency to conduct official moped safety inspections.

"Official moped safety inspection" or "inspection" means that safety inspection of moped

equipment and components as required by this chapter.

"Periodic Moped Inspection Handbook" means the inspection criteria and procedures promulgated by the Department of Transportation referenced in §19-135-29.

"State" means the State of Hawaii. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-4 Specific requirements. All mopeds shall be inspected and certified once every twelve months. [Eff 9/15/86; comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-5 Administration and enforcement. (a) By authority of the director, each county shall designate a county agency to administer and enforce this chapter with respect to the certification of inspection stations and inspectors in that county.

- (b) The county agency shall be responsible for:
 - (1) Issuing permits for and the furnishing of instructions and all necessary documents to official inspection stations within the county, provided electronic inspection form equipment shall be provided by the electronic form contractor;
 - (2) Supervising and inspecting official inspection stations;
 - (3) Suspending or revoking permits issued to a station whenever the county agency determines through inspection or investigation that the station is not properly conducting moped inspections in accordance with this chapter; and
 - (4) Certifying persons as being authorized to conduct moped inspections. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §§286-27, 291C-202) (Imp: HRS §§286-27, 291C-202)

SUBCHAPTER 2

INSPECTION STATIONS

§19-135-6 Inspection stations; permits; county responsibilities. The county agency shall be responsible for the following duties with respect to the application for an official moped inspection station permit:

- (1) Issuing permits designating each inspection station that meets the minimum standards required by this chapter to conduct moped inspections;
- (2) Inspecting the station facilities and equipment of each applicant to insure that the minimum standards required by this chapter are met;
- (3) Ascertaining that each applicant meets the minimum requirements of this chapter with respect to having a certified moped inspector in its employ;
- (4) Recording the results of all inspections of station facilities and equipment of each applicant;
- (5) Maintaining a file of all records for each applicant from the date of application till the date of termination;
- (6) Providing official application forms, approved by the director, for an inspection station permit; and
- (7) Issuing additional forms necessary to administer the issuance of official moped inspection station permits. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-7 Types of inspection station permits. There shall be two types of inspection station permits to be designated as:

- (1) Public permits - to conduct inspections on any moped that requires inspection; or

- (2) Private permits - to conduct inspections only on those mopeds which are owned by the owner and operator of the official inspection station. A private station qualification shall be determined by the county agency. [Eff 9/15/86; comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-8 Application for inspection station permits. (a) Each applicant for certification as an inspection station shall comply with the procedures set forth in this section.

(b) Application for the permit shall be made on an official form approved by the director and furnished by the county agency.

(c) The applicant shall provide the following information, to the county agency, on the approved form:

- (1) The registered business name of the station;
- (2) The exact address and location of the applicant's place of business where the moped inspections will be conducted. A separate application shall be made for each additional location owned or operated by the applicant which is to be certified as an inspection station;
- (3) The name of the owner, manager, or supervisor who will be responsible and accountable for the moped inspections and the performance of the moped inspectors;
- (4) The applicant's type of business; e.g., service station, moped rental, repair shop, moped dealer;
- (5) Type of permit requested (public or private);
- (6) A list of the names and inspector certificate numbers of certified moped inspectors presently employed by the applicant as regular employees; and
- (7) Evidence that the station location is

properly zoned and that the station has all required state and county permits or licenses to conduct business as an official inspection station.

(d) The application form shall contain a statement that the applicant agrees to equip and maintain, at the applicant's own expense, all moped safety inspection facilities in accordance with the minimum standards set by this chapter, and conduct moped safety inspections as required by this chapter and the standards and criteria of this chapter.

(e) Each application for certification as an inspection station shall be signed by:

- (1) The owner, if the applicant is a sole proprietorship;
- (2) All partners, if the applicant is a partnership; or
- (3) A person authorized to sign the application, if the applicant is a corporation. Written evidence of this authority shall be attached with the corporate seal affixed to the application form. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

\$19-135-9 Issuance of inspection station permits. (a) The county agency shall issue inspection station permits only to those applicant stations which have been certified by the county agency as meeting the standards set forth in this section.

(b) Each inspection station serving the public shall have a certified moped inspector scheduled to be immediately available at the station to conduct moped inspections at least four hours per day, five days per week between 6:00 a.m. to 6:00 p.m., except designated holidays.

(c) Personnel requirements: one supervisor, manager, or owner of each business operating one or more inspection stations shall be a certified moped inspector.

(d) Each inspection station shall conform to the following requirements:

- (1) The inspection area shall:
 - (A) Have a minimum dimension of eight feet by ten feet;
 - (B) Have overhead protection from the weather;
 - (C) Be designated and marked as the inspection area;
 - (D) Be clean and orderly;
 - (E) Have a hard surface, such as concrete, and be in sound condition. Wood or dirt floors shall not be acceptable;
 - (F) Have a surface limited to a 2.5 per cent slope (three inches in ten feet); and
 - (G) Have no hazardous conditions that may injure persons or damage the moped;
- (2) The total interior floor area and the exterior ground space, including parking areas which are used by the public, shall be free of dirt, gravel, grease, oil, debris, or other noxious, hazardous, or repulsive foreign substances;
- (3) Every inspection station shall have a moped headlamp test area that is flat and level; and
- (4) All inspection stations serving the public shall provide an off street parking area available for mopeds waiting to be inspected.

(e) Every inspection station shall have the following tools, and equipment available and in good working condition at the station location:

- (1) One headlamp aiming device such as a mechanical aimer, optical or photoelectric aiming device, or aiming screen of a type approved by the director;
- (2) A moped repair stand or similar device for lifting the wheels off the ground to check wheel bearings, runout and sound level;
- (3) A tire tread depth gauge scored in 1/32 inch

increments or fifteen centimeters scored in increments of one millimeter;

- (4) A tire pressure gauge marked in pounds per square inch or its metric equivalent.

(f) Each public inspection station shall provide proof that there is in effect a liability insurance policy issued to the station owner or operator by an insurance company authorized to do business in the State. The policy shall insure the owner or operator and any other employee authorized to inspect mopeds in the minimum amount of \$10,000 for comprehensive public liability for one person, \$20,000 for one accident, and \$5,000 for comprehensive property damage. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

\$19-135-10 Inspection station permit form. (a)

The inspection station permit shall be in a form approved by the director.

(b) The following information shall appear on the face of the permit:

- (1) The registered name of the person, partnership, or corporation owning and operating the inspection station;
- (2) The trade "dba" name of the inspection station;
- (3) The address and location of the inspection station. If the inspection is conducted at a different location than the listed address, then both addresses and locations shall be included on the permit;
- (4) A permit control number;
- (5) The date the permit is issued;
- (6) The type of inspection station, public or private (fleet); and
- (7) The signature of the county agent authorized to issue inspection station permits, with the agent's position, title, and the name of the county agency typed under the signature.

(c) The permit shall be posted in a conspicuous place at the location where the inspections are

conducted, and shall be visible to all moped owners who present their mopeds for inspection.

(d) The permit shall not be assigned, transferred, or used at any location other than the location listed on the face of the permit as the place where the inspection is to be conducted. [Eff 9/15/86; comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-11 Inspector certification; county responsibilities. The county agency shall be responsible for:

- (1) Issuing certificates authorizing persons to conduct moped inspections;
- (2) Administering written and performance examinations for all applicants;
- (3) Recording the results of all examinations;
- (4) Maintaining a record of examination results for the entire period for which an inspector's certificate is valid;
- (5) Maintaining a file for all formerly certified moped inspectors for a period of one year after decertification; and
- (6) Developing and issuing additional forms as may be necessary for administering the moped inspector certification process. All supplemental forms shall first be approved by the director. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-12 Application for inspector certification. (a) Application for moped inspector certification shall be made on a form furnished by the county agency and approved and provided by the director.

(b) The applicant shall provide the following on the approved form:

- (1) Type of application (original or renewal);
- (2) Applicant's last name, first name, and

- middle initial(s);
- (3) Applicant's home address;
- (4) Applicant's telephone number (one or more, i.e., land, cell, or business);
- (5) Applicant's date of birth;
- (6) Type of Hawaii driver license and driver license number of the applicant;
- (7) Applicant's technical licenses or certificates;
- (8) Applicant's attendance at vocational and technical training schools, accompanied by a copy of certificates of successful completion and major subject studied;
- (9) Applicant's formal schooling and the highest level successfully completed;
- (10) Applicant's experience in vehicle, moped or motorcycle safety inspection, automotive, moped or motorcycle mechanics, or related experience;
- (11) Applicant's signature and date of signature to the declaration that all furnished information is true, and that upon certification as a moped inspector, the applicant shall conduct moped safety inspections in accordance with this chapter; and
- (12) The date the application is filed. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-13 Issuance of inspector certificates.

The county agency shall issue official moped safety inspector certificates only to those applicants who meet the following minimum standards:

- (1) Be able to read and legibly print the English language and Arabic numerals;
- (2) Be at least eighteen years of age at the time of the application;
- (3) Have a valid Hawaii driver license;
- (4) Have at least:
 - (A) One year of training in automotive,

- moped or motorcycle mechanics, or a related technical field at a school conducting regularly scheduled classes;
- (B) One year of employment experience in automotive, motorcycle, or moped maintenance, repair, inspection or service;
 - (C) Have completed a written and performance examination, approved by the director and administered by the proper county agency. The minimum qualifying score on these examinations shall be eighty per cent; or
 - (D) Possess a valid inspector certificate for motorcycles. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-14 Inspector certificate form. (a) The official moped inspector certificate shall be of a design approved by the director, and contain the following on the face of the certificate:

- (1) The name of the person to whom the certificate is issued;
- (2) The date the certificate is issued;
- (3) The expiration date of the certification as a moped inspector;
- (4) The signature of the county agent authorized to issue the certificate;
- (5) The number of the certificate; and
- (6) The signature of the person to whom the certificate is issued.

(b) The name and location of the inspection station shall be listed on the reverse side of the official moped inspector certificate. The county agency may, upon proper notification by the inspector and presentation of the inspector's valid certificate, list additional inspection stations where the inspector is authorized to conduct moped inspections.

(c) The official moped inspector certificate shall be displayed in a conspicuous place in the area

where inspections are conducted. If the certified moped inspector conducts inspections at more than one location, a duplicate inspector's certificate shall be displayed at each additional location.

(d) The moped or motorcycle inspector's certificate authorizes the inspector to conduct official moped inspections only at station locations listed on the reverse side of the inspector's certificate.

(e) The county agency may issue duplicate moped inspector certificates upon satisfactory explanation by the inspector as to what happened to the original certificate. The duplicate certificate shall contain the following information:

- (1) The original certificate control number with the word "duplicate" written after the number; and
- (2) The expiration date specified on the original certificate.

(f) A moped safety inspector certificate shall expire four years from the date of issuance, unless revoked or suspended by the county agency.

(g) Recertification of moped safety inspectors shall conform to the following requirements:

- (1) Application for renewal of certification shall be made by the moped safety inspector not more than sixty days prior to the expiration of the certificate;
- (2) Recertification shall follow the certification procedure; and
- (3) Every applicant for recertification shall satisfactorily complete both a written and performance examination approved by the director.

(h) The moped safety inspector certificate shall be valid only in the jurisdiction of the issuing county agency. [Eff 9/15/86; am and comp JAN 02 2017]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-15 Inspection stations; operating procedures. (a) Official moped inspection stations

shall be operated in accordance with this chapter.

- (1) Inspection stations shall be operated with reasonable regard for the convenience of the public;
- (2) Inspections shall be conducted only at official moped safety inspection stations which have been issued a permit by the county agency; and
- (3) Inspections shall be conducted only by moped or motorcycle inspectors who have been issued a certificate by the county agency.
- (4) Inspection stations shall have a contract with the electronic form contractor and require all inspectors to be proficient in the use of all equipment associated with the inspection program.

(b) The county agency shall furnish copies of the required forms, a copy of these rules, chapter 19-131, and The Periodic Moped Inspection Handbook referenced in §19-135-29, HAR to every official moped inspection station. Each station shall maintain a current, legible copy of these rules for exclusive use at the station. When possible, the above shall also be in the computer provided by the electronic forms contractor.

(c) The county agency may require every inspection station to post a sign with a minimum area of one hundred forty-four square inches, clearly legible from a public area, containing the words "Official Moped Safety Inspection Station", together with the identifying numbers and letters assigned to that station. Every sign shall display a reproduction of the safety inspection logo which appears on the safety inspection sticker. The reproduction shall be displayed upon a contrasting background and shall be of a size at least as large as the largest letter, numeral, or other character appearing elsewhere on the sign. [Eff 9/15/86; am and comp JAN 02 2017]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-16 Safety inspection records. A moped

certificate of inspection, as designated and approved by the director, shall be completed by the moped inspector for each moped inspected. If the moped passes the inspection, a sticker shall be affixed to the rear of the moped. The electronic forms contractor shall maintain electronic records of inspection activities of each station. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-17 Inspection stations; supervision by the county agency. The county agency shall exercise supervisory control over all inspection stations under its jurisdiction. This supervisory function shall include, but not be limited to the following activities:

- (1) Issuing any forms as may be required for:
 - (A) The preparation and maintenance of electronic records concerning inspections;
 - (B) The use and condition of inspection station facilities and equipment used to inspect mopeds;
- (2) Monitoring and inspecting inspection stations for compliance with this chapter by observing:
 - (A) The procedures used to inspect mopeds;
 - (B) The condition of moped inspection facilities and equipment used in moped inspections;
 - (C) The condition and accuracy of test equipment used in moped inspections;
- (3) Analyzing official electronic moped inspection records to evaluate the performance of inspection stations and take appropriate action as may be indicated;
- (4) Reviewing electronic records for each inspection station. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-18 Enforcement by the county agency director. The county agency by authority of the director shall suspend or revoke inspection station permits or moped safety inspector certificates when it finds that the inspection station or inspector, as the case may be, is not properly conducting inspections or finds any vehicle as defined in section 291C-1, HRS owned by the inspector or station is out of compliance with this chapter. The director shall use the provisions in 19-133.5, HAR for this chapter. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-19 Operating procedures for inspectors. Certified moped inspectors shall conduct all official moped safety inspections in accordance with this chapter, chapter 19-131 and the following requirements:

- (1) No person shall act as a certified moped inspector or issue any official moped inspection certificate and sticker unless that person possesses a current, valid, moped inspector's certificate to conduct moped inspections at the inspection station location indicated on the certificate issued by the county agency having jurisdiction over the inspection station;
- (2) Certified moped inspectors shall be the only person authorized to issue and affix safety stickers to a moped after successful completion of the periodic official moped inspection;
- (3) Every certified moped inspector shall conduct moped inspections in accordance with the criteria of this chapter and:
 - (A) 49 CFR Parts 570 and 571 as they existed on October 1, 2016;
 - (B) Periodic Moped Inspection Handbook, October 2016 and addenda and newer versions that are approved by the director;

- (C) Chapter 19-131, Hawaii Administrative Rules; and
- (D) Instructions for operation of the hand-held computer provided by the electronic form contractor;
- (4) A certified moped inspector may be assisted by a noncertified person when conducting an official moped safety inspection, provided that the noncertified person is being trained to become an inspector and is under the immediate and personal supervision of the certified moped inspector; and
- (5) Any certified moped inspector, working at a public inspection station, shall not require unnecessary repairs, make excessive charges, or act abusively to customers seeking safety inspection certification for their mopeds.
[Eff 9/15/86; am and comp **JAN 02 2017**]
(Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

\$19-135-20 Supervision of inspectors. The county agency by authority from the director shall exercise control over all certified moped inspectors under its jurisdiction. This supervisory function shall include, but is not limited to, the following activities:

- (1) Examining and qualifying all certified moped inspectors;
- (2) Issuing of additional forms as may be required;
- (3) Monitoring official moped inspection activities of certified moped inspectors; and
- (4) Conducting investigations of reported or suspected improper moped safety inspection activities. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

SUBCHAPTER 3

GENERAL PROCEDURE FOR INSPECTION

§19-135-21 Application for inspection certification. (a) Any moped owner or operator shall be allowed to make an appointment with any public moped inspection station for inspection of a moped. The appointment shall be scheduled within fifteen days after the date of application for inspection.

(b) Any moped owner or operator shall not be obliged to have any repair work performed at the station where the inspection is made. [Eff 9/15/86; comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-22 Causes for refusal to inspect. An inspection station may refuse to inspect any moped whenever the performance of any component that needs to be inspected cannot readily be determined because of an accumulation of dirt, grease, or other foreign material. [Eff 9/15/86; am and comp **JAN 02 2017**] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-23 Inspection fees. (a) The director shall determine the fee to be paid to the inspection station by the moped owner for the inspection of a moped. This fee shall be the same as the motorcycle fee defined in Chapter 19-133.2-22, HAR.

(b) When an application for certification of moped safety inspection is made at an inspection station, a certified moped inspector may first collect the inspection fee, and then conduct the inspection pursuant to this chapter.

(c) If more than thirty days have elapsed since the applicant's moped failed to qualify for certification, a complete reinspection shall be made of the entire moped and the full fee for another inspection may be charged by the inspector.

(d) An inspection station may charge the fee

determined by the director as defined at 19-133.2-22(f)(3), HAR for the replacement of destroyed or stolen inspection stickers. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

\$19-135-24 Failure to qualify for certification and correction of defects. (a) When a moped fails to pass an inspection for certification in accordance with this chapter, a failure notice shall be issued and the authorized sticker shall not be affixed to the moped.

(b) A copy of the failure notice, shall be given to the applicant if the moped fails inspection, so that corrective repairs may be done on the moped. When, upon reinspection, the moped is found to be in safe operating condition, the certificate of inspection shall be issued and a sticker affixed to the moped in accordance with this chapter.

(c) If the applicant refuses to have the corrective repairs done immediately, no certificate of inspection shall be issued by the inspector, but a copy of the failure notice shall be given to the applicant. The applicant shall have thirty days to correct all the deficiencies and return to the station for reinspection at no additional cost.

(d) If, after corrective repair within the thirty-day period, the moped is found to qualify for certification, the certificate of inspection shall be completed and signed by the safety inspector and issued to the applicant and a sticker affixed to the moped in accordance with this chapter. No additional fee shall be charged.

(e) This section does not authorize anyone to operate a moped on the public highways without a valid certificate of inspection or with an expired certificate. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

\$19-135-25 Issuance of certificates of inspection

and affixing of inspection stickers. (a) When the moped's equipment is inspected pursuant to this chapter, and is found to qualify for certification, a certificate indicating that the vehicle passed inspection and sticker are then automatically printed and the certificate of inspection shall be signed by the certified moped inspector who performed the inspection.

(b) After the certificate of inspection is signed, an inspection sticker authorized by the director shall be affixed by the inspector upon the rearmost nearly vertical portion of the moped or on another appropriate place where, in the opinion of the director, the sticker can be clearly viewed by a person who is fifty feet behind the moped. A bracket attached to the side or bottom of the license plate is an appropriate place.

(c) All expired or replaced safety inspection stickers appearing on the moped shall be removed and destroyed, unless the moped owner requests to have the sticker placed upon the old sticker in such a way that only the new one is visible. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-26 Replacement of lost or stolen certificates or stickers. (a) Inspection stickers which have been lost or stolen may be replaced without reinspection by the inspection station that issued the original inspection certificate and sticker, if the moped owner or operator can furnish proof of inspection and approval, and the loss is reported to the police department before the current certification expires and there are no obvious defects on the moped at the time replacement is requested.

(b) Reinspection shall be required if there is no evidence of a previous inspection or the inspection certificate has expired.

(c) The certified moped inspector shall record safety inspection sticker replacements in the inspection computer. [Eff 9/15/86; am and

comp JAN 02 2017] (Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

\$19-135-27 Items to be inspected. Evidence of the moped's registration and the following original equipment items meeting requirements on the date of manufacture of the moped, plus all additional items subsequently required or permitted to be installed, shall be inspected on all mopeds presented for inspection. The Periodic Moped Inspection Handbook contains details regarding failure criteria.

- (1) Tires;
- (2) Wheels;
- (3) Brakes;
- (4) Steering, suspension, and alignment;
- (5) Lighting and electrical systems;
- (6) Moped glazing (optional equipment);
- (7) Body and frame;
- (8) Exhaust system;
- (9) Fuel intake system or batteries for an electric moped; and
- (10) Speedometer-odometer. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS \$291C-202) (Imp: HRS \$291C-202)

\$19-135-28 Scope of inspection. The inspection shall be conducted as follows:

- (1) The moped license number and identification number shall be inspected for agreement with the corresponding numbers shown on the current year's valid registration certificate. The first eight characters plus the tenth on the moped Vehicle Identification Number (VIN) on the manufacturer's FMVSS certification label must be on Hawaii's list of mopeds that are certified by the manufacturer to comply with Hawaii's moped laws, and beginning 01/01/2017 the horse power (2 or less) and engine displacement (50 cc or 1,492 watts or

- less) must agree with the information the manufacturer provided to the National Highway Traffic Safety Administration (NHTSA) and displayed on the NHTSA web site. License plates and registration decals shall be inspected for condition, legibility, proper location, and security of mounting;
- (2) Tires shall be inspected for U.S. Department of Transportation "DOT" marking, load capacity, wear, damage, proper size, type, and tread configuration;
 - (3) Wheels shall be inspected for damage, missing parts, excessive runout, loose wheel bearings, and security of mounting;
 - (4) Service brake system and parking brake system, when applicable, shall be inspected for performance, wear and condition of friction components and mechanical linkages, leakage of hoses, tubing, pistons, reservoirs, and proper operation of the entire brake system;
 - (5) The steering system shall be inspected for free movement from stop to stop, bearings play, damage, wear and hand grips on handlebar;
 - (6) The suspension system shall be inspected for proper mounting, free movement, looseness, damage, and condition of all suspension components;
 - (7) The wheel track alignment shall be inspected for accurate alignment between front and rear wheel;
 - (8) Lamps and reflectors shall be inspected for function, location, color, brightness, and damage. Headlamps shall be tested for aim and operation and operation of high beam indicator if so equipped; (mopeds are not required to have turn signals, so the moped should not fail if they are inoperative or do not work properly);
 - (9) Horns shall be inspected for operation and audibility;

- (10) Lighting switches shall be inspected for proper operation;
- (11) Visible electrical wiring shall be inspected for condition, location, security of fastening and insulation;
- (12) Plastic or other material used in windscreen (optional equipment) shall be inspected for type, damage, discoloration, and obstruction of operator's vision;
- (13) Body items and frame shall be inspected as follows:
 - (A) Rearview mirrors shall be inspected for location, field of view, condition, mounting, ease of adjustment, and sharp edges;
 - (B) Retracting stand shall be inspected for mounting, operation, and rearward and upward retraction if it contacts the road surface when the moped is moving in the forward direction;
 - (C) Drive chain, belt, or shaft protective coverings shall be inspected for condition, mounting, looseness, size, and any hazardous protrusions;
 - (D) Body parts shall be inspected for looseness, damage, improperly assembled parts, non-approved modifications, or replacement parts;
 - (E) Fenders shall be inspected for condition, loose mounting, size, hazardous protrusions, sharp edges, and spray deflection;
 - (F) Seats shall be inspected for size, loose mounting, and any sharp edges or hazardous protrusions;
 - (G) Footpegs, pedals or foot rests shall be inspected for proper mounting and operational condition;
- (14) On combustion engines, the exhaust system components shall be inspected for proper condition, damage, mounting, leakage of gases, excessive noise, modifications and

missing required components. A sound level test shall be used to provide objective evidence of excessive noise. The decibel reading shall be made with the moped out doors. The sound meter, which will be installed in the Contractor's hand-held computer, shall be placed 20 inches from exhaust pipe exit at a 45-degree angle to the flow of exhaust gas. The height of the microphone should be equal to the exhaust exit, but not less than 8 inches from the ground. The reference axis of the microphone should be parallel to the ground and be directed toward the pipe outlet. The moped must be supported so the rear wheel is off of the ground. Then take two measurements by gradually accelerating the engine to full throttle. If the test shows a decibel reading higher than 100, the muffler shall be failed. No exhaust system shall be modified to amplify or increase the noise emitted by the engine above that emitted by the system originally installed on the moped;

- (15) On combustion engines only, all intake and fuel system units, including filler tubes, filler caps, filters, vents, and tanks, and all connecting lines, tubing, and hoses shall be inspected for proper location and connection, security, proper installation, leakage, and damage. If the moped is electric, batteries must not leak and must be securely mounted; and
- (16) The odometer shall be inspected for proper operation. Indicated moped mileage shall be recorded at the time of inspection. If the moped has a speedometer, it must display miles per hour. [Eff 9/15/86; am and comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

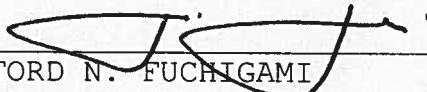
§19-135-29 Standards and criteria. The standards used for moped safety inspection are as follows:

- (1) 49 CFR Parts 566, 567, and 573 to 577 as they existed on October 1, 2016;
- (2) Federal Motor Vehicle Safety Standard (FMVSS) Numbers 106 (brake hoses), 108 (lamps and reflectors), 111 (rear view mirror), 119 (tires), 122 (motorcycle brake system), 123 (motorcycle controls) and 205 (motorcycle windscreen only) as they existed on October 1, 2016;
- (3) Chapter 19-131, entitled "Required Equipment on Mopeds" as they existed on May 16, 2003; and
- (4) Periodic Moped Inspection Handbook, dated November 15, 2016 and addenda and newer versions that are approved by the director.
[Eff 9/15/86; am and comp JAN 02 2017]
(Auth: HRS §291C-202) (Imp: HRS §291C-202)

§19-135-30 Severability. If any portion of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remainder of this chapter." [Eff 9/15/86; comp JAN 02 2017] (Auth: HRS §291C-202) (Imp: HRS §291C-202)

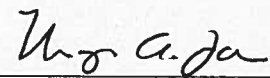
Amendments to and compilation of Chapter 135,
Title 19, Hawaii Administrative Rules, on the Summary
Page dated December 16, 2016 were adopted on
JAN 02 2017 2016 following a public hearing held
on December 16, 2016, after public notice was given in
the Garden Island News, the Honolulu Star Advertiser,
the Hawaii Tribune-Herald, the West Hawaii Today and
the Maui News on November 16, 2016.

These rules shall take effect ten days after
filing with the Office of the Lieutenant Governor.




FORD N. FUCHIGAMI
Director of Transportation

APPROVED AS TO FORM:



Deputy Attorney General

APPROVED:



DAVID Y. IGE
Governor
State of Hawaii

Date: 12/23/2016

Filed

LIUTENANT GOVERNOR'S
OFFICE

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